

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

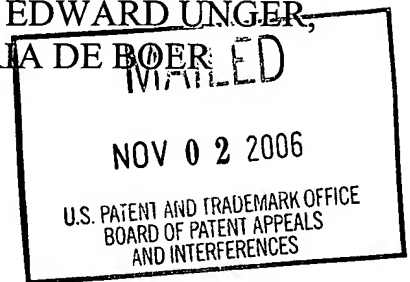
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*Ex parte* ARIE VAN ZON, ROBERT MOENE, PHILLIP EDWARD UNGER,  
PETER ARNOLDY, and ERIC JOHANNES MARIA DE BOER

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Application 10/668,934  
Technology Center 1700

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This Image File Wrapper (IFW) application was electronically received at the Board of Patent Appeals and Interferences on October 25, 2006. A review has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

*Appeal Brief*

Appellants filed an Appeal Brief which was received by the USPTO on November 1, 2005. The following sections are either missing or lack required content:

*Summary of Claimed Subject Matter*

The content provided under the section “Summary of Claimed Subject Matter” is not commensurate in scope with 37 C.F.R. § 41.37(c)(1)(v) because the content does not give a concise explanation of the subject matter defined in each of the independent claims involved in the appeal.

*Evidence and Related Proceedings Appendices*

Two required headings are not present in the Appeal Brief received by the USPTO on November 1, 2005. The headings are:

Evidence Appendix as required by 37 C.F.R. § 41.37(c)(1)(ix);  
and the

Related Proceedings Appendix as required by 37 C.F.R. § 41.37(c)(1)(x).

Correction is required.

*Information Disclosure Statements*

Appellants filed two Information Disclosure Statements (IDS's) under 37 C.F.R. § 1.56 and § 1.97 which were received by the USPTO on October 14, 2005 and December 14, 2005. A review of the IFW application reveals that the Examiner did not properly consider the IDS's. *See the Manual of Patent Examining Procedure (MPEP) § 609.*

Accordingly, it is

*ORDERED* that the application is returned to the Examiner to:

- (1) instruct Appellants to provide a Supplemental Appeal Brief which fully complies with 37 C.F.R. § 41.37(c)(1)(v), (c)(1)(ix), and (c)(1)(x);
- (2) have said Supplemental Appeal Brief made a part of the Image File Wrapper (IFW) Official record;

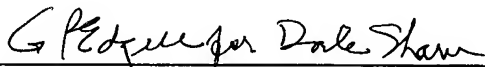
Application 10/668,934

- (3) properly consider the IDS's submitted to the USPTO on October 14, 2005 and December 14, 2005 by either initialing the references, or by drawing a line through the references not considered;
- (4) provide notification to Appellants as to the entry status of the IDS's;
- (5) have said notification made of Official record;

and

- (6) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

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